IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1015 of 2007 (O&M)
Date of decision 12 .2.2007

Executive Engineer PWD and another .. petitioners

Versus

Presiding Officer, Industrial Tribunal and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Ms. Mamta Singhal Talwar, AAG Haryana for the petitioner

M.M.Kumar, J.

The State of Haryana through its officer has approached this Court under Article 226 of the Constitution with a prayer for quashing award dated 17.5.2006 (Annexure P-4) passed by the Labour Court, Rohtak upholding the claim of the workman-respondent that he has completed 240 days in one calendar year and is thus entitled to the protection of Section 25 F of the Industrial Disputes Act,1947. It has been found as a fact that the workman respondent had worked from January 1992 to 20.4.1992 for 111 days as per Ex. M.1 and that he has worked from 16.7.1992 to 31.7.1992 for a period of 16 days and then from 1.8.1992 to December, 1992. The total period has been worked out to be more than 240 days. The Labour Court has further recorded that the service record of the respondent workman had not been produced and he summoned WW 1 to produce his entire record. The management did not furnish the details of working days of respondent workman from 16.7.1992 to December, 1992 in Ex. M.1 which lead the Labour Court to draw adverse inference. Accordingly it was held that the services of the workman has been terminated illegally without complying with the provisions of Section 25F of the Act. He was accordingly held

entitled to reinstatement with continuity of service. He was also awarded 50 percent of back wages from the date of demand notice i.e. 8.10.1998.

We have heard the learned State counsel at a considerable length. She has not been able to point out any legal infirmity even on the basis of documents Annexures P.7 and P.8 which are sought to be produced on record by Civil Misc. Application No.2047 of 2007. There are pure findings of fact recorded by the Labour Court holding that the respondent workman has worked for 240 days and his services were terminated without complying with the requirements of Section 25F of the Act. The writ petition is devoid of merit and the same is hereby dismissed.

(M.M.Kumar)
Judge

(Rajesh Bindal)
Judge

12.2.2007
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